

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEPHON BIBBS, )  
Petitioner, )  
v. ) Civil Action No. 11-49 Erie  
SUPERINTENDENT BURNS, et al., )  
Respondents. )

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on February 23, 2011, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 21], filed on June 8, 2012, recommended that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections. Petitioner filed objections on June 28, 2012 [ECF No. 22]. After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 17<sup>th</sup> day of July, 2012;

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 21] of Magistrate Judge Baxter, filed on June 8, 2012 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge